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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,425

04/23/2007

Enrique De Font-Reaulx-Rojas

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EXAMINER

FONTENOT, NIGEL RAI

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,425	Applicant(s) DE FONT-REAUXX-ROJAS, ENRIQUE	
	Examiner NIGEL FONTENOT	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 32 is/are rejected.
- 7) ☐ Claim(s) 24-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/27/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the application filed on June 19, 2006.

Claim Objections

1. Claims 24-31 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-23 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "it" numerous times throughout the claim. It is unclear to what "it" refers. Claims 2-23 and 32 also recite the limitation "it." This limitation renders the claims indefinite and unclear. Proper action is required.
5. Claim 1 recites the limitation "and/or" in claim line 3. This limitation renders the claim indefinite as it is unclear whether applicant is claiming "and" or "or."
6. Claim 4 recites the limitation "'Y' type signal divider" in claim lines 2-3. It is unclear what a "Y" type signal divider is. More description is needed.

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7. Claim 13 recites that a first image projection means projects images onto these first image projection means. This limitation is indefinite as it is unclear how a first image projection means can project images onto itself, as this is not clearly described in the claim. Proper clarification is needed.

8. Claim 17 recites the limitation "similar" in claim line 3. This limitation is indefinite as the word "similar" can be interpreted to mean a multitude of limitations. Claim 17 also recites the limitation "and/or" in claim line 3. This limitation renders the claim indefinite as it is unclear whether applicant is claiming "and" or "or." Claim 17 also recites the limitation "'eye-hand' relation" in claim line 5. It is unclear what applicant means by this limitation.

9. Claim 19 recites the limitation that signals are multiplied as many times as desired to provide several observers the ability to see them simultaneously in other independent three-dimensional viewing means. This limitation is unclear and needs to be reworded with clearer language.

10. Claims 20 and 32 recite the limitations "box" or "boxes." This limitation is unclear and needs to be reworded with clearer language. It is unclear what applicant means by this limitation.

11. Claims 1-23 and 32 recite various other errors. Proper action is needed.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-23 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Walston et al. (US 7371218).

14. Addressing claims 1-5, Walston discloses an image viewing system comprising a digital ultrasonic endoscope (camera) including a first, second, and third image capturing means (see col. 1 lines 16-30 and col. 2 lines 46-51), capable of duplicating signals (see col. 1 lines 16-30 and), an image modifying unit (see col. 3 lines 29-41 and col. 6 lines 38-67), a display that achieves three-dimensional viewing by combining modified images and duplicated images (see col. 3 lines 29-63 and col. 5 line 46-col. 6 line 6), a Y type signal divider (see col. 5 line 46-col. 6 line 6).

15. Addressing claim 6-12, Watson discloses the first and second image capturing means receives data at different oblique visual angles ranging between 6 and 30 degrees (see fig. 2 and col. 3 lines 10-28), wherein the display means are LCD or video projection screens having a flat surface (see col. 4 lines 24-31 and col. 5 line 58-col. 6 line 6).

16. Addressing claims 13-14, Watson discloses editing means and image capturing means which generate edited images that are varied for different angles, depth, movement, and amplified in varied configurations (see col. 6 lines 14-37, col. 6 lines 53-67, and col. 7 lines 47-65).

17. Addressing claims 15-19, Watson discloses multiple projection elements and displays that include LCD and projection devices that allow the projection elements be mounted on a face of user similar to eyeglasses that can project different images and also discloses additional display screens (see figs. 3-4, col. 3 line 53-63, and col. 5 line 45-col. 6 line 6).

18. Addressing claims 20-22, Watson discloses mixing image signals with auxiliary image signals and generating images in a perspective that differs from the one under which they were originally captured (see col. 3 lines 29-41 and col. 5 line 58-col. 6 line 6).

19. Addressing claims 23 and 32, Watson discloses an image viewing system comprising a digital ultrasonic endoscope (camera) including a first, second, and third image capturing means (see col. 1 lines 16-30 and col. 2 lines 46-51), capable of duplicating signals (see col. 1 lines 16-30 and), a second image modifying unit (see col. 3 lines 29-41 and col. 6 lines 38-67), a display that achieves three-dimensional viewing

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by combining modified images and duplicated images (see col. 3 lines 29-63 and col. 5 line 46-col. 6 line 6), and mixing image signals with auxiliary image signals and generating images in a perspective that differs from the one under which they were originally captured (see col. 3 lines 29-41 and col. 5 line 58-col. 6 line 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGEL FONTENOT whose telephone number is (571)270-7032. The examiner can normally be reached on Monday-Friday (7:00a-4:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. F./

Examiner, Art Unit 3768

/Long V Le/

Supervisory Patent Examiner, Art Unit 3768